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BRUCKART, BENJAMIN R

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BEN JAI, GOKUL CHANDER PRABHAKAR,
and RAJEEV RASTOGI

Appeal 2010-004055
Application 10/600,995
Technology Center 2400

Before LANCE LEONARD BARRY, CARL W. WHITEHEAD, JR. and
GREGORY J. GONSALVES, *Administrative Patent Judges*.

GONSALVES, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the final rejection of claims 1-21. (App. Br. 2.) We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

The Invention

Exemplary independent claim 1 follows:

1. In a system having a plurality of devices, wherein a plurality of configuration elements are associated with the plurality of devices, a method for automated generation of executable modules associated with the devices, the method comprising the steps of:

accessing information about one or more input configuration elements of the plurality of configuration elements, wherein the one or more input configuration elements are associated with one or more input rules;

determining which of the plurality of configuration elements could be accessed based on the one or more input rules;

generating one or more output rules using at least the accessed information, the accessed configuration element, and the input rules, wherein an output rule corresponds to one or more input configuration elements and wherein said one or more input rules comprises one or more executable statements; and

generating at least one executable module adapted to access at least a given one of the input configuration elements and to trigger one or more of the output rules corresponding to the given input configuration element.

Claims 1-9, 14-16, 20 and 21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Moir (U.S. 2002/0120720 A1) (Ans. 3-8).

Claims 10-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Moir in view of Tuatini (U.S. 2001/0047385 A1) (Ans. 8-9).

Claims 17-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Moir in view of Presley (U.S. 2003/0105838 A1) (Ans. 9-10).

ISSUE

Appellants' responses to the Examiner's positions present the following issue:

Did the Examiner establish that Moir discloses generating output rules from input rules that "comprise one or more executable statements," as recited in independent claims 1, 20 and 21?

ANALYSIS

Appellants argue that independent claims 1, 20, and 21 are not anticipated by Moir because Moir does not disclose the claim limitation of generating output rules from input rules that "comprise one or more executable statements" (App. Br. 8 (emphasis omitted)). The Examiner concluded that Moir does disclose this claim limitation on the ground that the claim term "executable statements is broad and is not limited to code or a certain type of statement" (Ans. 13). But an executable statement, according to its plain and ordinary meaning, is a statement that can be executed.

Moreover, the Specification does not clearly assign a special, different meaning to the term “executable statement.” Rather, the Specification explains that the statements in the claimed rule are considered to be executable because they execute “from an appropriately generated context as part of an executable module . . .” (Spec. 2:ll. 28-30). Appellants argue that there is no indication in Moir that the statements in its rule file execute (App. Br. 8). We agree with Appellants. Moir’s rule file merely “specifies behavioral requirements of a specific network device” (Moir, ¶ [0057]). Accordingly, we find that the Examiner erred in finding that Moir discloses rules that include executable statements, as that term is understood according to its plain and ordinary meaning.

For these reasons, we find that the Examiner erred in concluding that Moir anticipates independent claims 1, 20, and 21 and will not sustain the Examiner’s anticipation rejections of those claims. We will also not sustain the Examiner’s obviousness rejections of the claims dependent from claims 1, 20, and 21 because the Examiner did not allege that any of the secondary references teach the claim limitation that is missing from Moir (*See* Ans. 4-19).

DECISION

We reverse the Examiner’s decision rejecting claims 1-21.

REVERSED

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